

PATENT**REMARKS**

Claims 1-56 are currently pending in this application. In the Office action dated June 17, 2004, the Examiner withdrew claims 41-56 which were added during prosecution from consideration. Reconsideration is respectfully requested in light of the above claim amendments and the following remarks.

The Examiner rejected claims 1-3, 5-15, 25-30, 32, 33, 35-37 and 39 under 35 U.S.C §102(b) as being anticipated by U.S. Patent 5,713,928 to Bonnet et al. Applicant respectfully traverses this rejection.

Applicant's claimed invention, as recited in pending independent claims 1, 28 and 35 is directed to a cardiac stimulation device and corresponding method. For example, independent claim 1 recites automatically determining the sensing threshold of sinus events and ectopic events and classifying a sensed cardiac event as a sinus event or an ectopic event based on proximity of the amplitude of the sensed cardiac event to the sensing threshold of the sinus events or the sensing threshold of the ectopic events. (Underlining added for emphasis only). Applicant respectfully submits that Bonnet et al. do not disclose or suggest the recited claim elements.

Rather, Bonnet et al. disclose a method for controlling the operation of a cardiac pacemaker that utilizes a window of Detection of the Acceleration of the Atrial Rhythm ("DAAR"), to differentiate normal sinus (atrial) activity from an atrial extrasystole (AES), i.e. an ectopic event. In Bonnet et al. the duration of the DAAR window is determined as a function of the preceding atrial rhythm (that is, the A-A interval from one atrial event to the following atrial event). The system of Bonnet et al. starts the DAAR window on an atrial event, either spontaneous or stimulated, and then defines normal sinus activity as a spontaneous (detected) atrial event that occurs outside the DAAR window, and an AES (i.e. ectopic event) is defined as a spontaneous (detected) atrial event detected in (or during) the DAAR window. (Bonnet et al., col. 4, lines 19-34).

Thus, in the system of Bonnet et al., sensed cardiac events are classified as a sinus event or an ectopic event as a function of the temporal proximity of the sensed event relative to the previous atrial event. Bonnet et al. do not however, disclose or suggest automatically determining the sensing threshold of sinus events and ectopic events and classifying a cardiac event as a sinus event or an ectopic event based on

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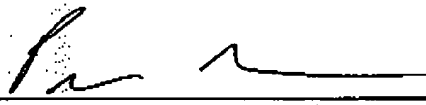
the proximity of the amplitude of the event to the automatically determined sensing thresholds as recited in claims 1, 28 and 35 of the present invention. (Underlining added for emphasis only).

Accordingly, applicant respectfully submits that claims 1, 28 and 35 are novel and unobvious over Bonnet et al. and are allowable. Applicant further submits that claims 2-27, 39-34 and 36-40 that depend from claims 1, 28 and 35 respectively are allowable as are claims 1, 28 and 35 respectively, and for additional limitations recited therein.

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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